

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

FURMAN GILMORE,
Petitioner,

-v.-

9:06-CV-0318
(NAM)(DEP)

GREENE COUNTY DEPARTMENT OF
SOCIAL SERVICES,

Respondent.

APPEARANCES:

FURMAN GILMORE
Petitioner, *pro se*
02-A-3979

NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The Clerk has sent to the Court a Petition for a Writ of Habeas Corpus brought by Furman Gilmore ("Petitioner" or "Gilmore") pursuant to 28 U.S.C. § 2254. Petitioner has paid the statutory filing fee required to maintain the instant action.

A Petition for a Writ of Habeas Corpus may be brought by "a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. §2254.

In the Petition before the Court there is no indication that Petitioner has been convicted of any offense.¹ Rather Petitioner is seeking to challenge a Greene County Family Court determination

¹This Court is aware that Petitioner is in custody pursuant to a 2002 conviction from Greene County for criminal possession of a controlled substance. That conviction is being challenged in a Habeas Petition in this District. *See* 9:05-CV-1378.

of permanent neglect that resulted in Petitioner's parental rights being terminated.² However, Petitioner is not being held in custody pursuant to any such determination by the Family Court. Accordingly, Petitioner may not seek habeas relief pursuant to 28 U.S.C. §2254.

Accordingly, based upon the foregoing, the Court hereby

ORDERS, that this action DISMISSED, and it is further

ORDERS, that the Clerk serve a copy of this Order on the Petitioner.

IT IS SO ORDERED.

DATE: April 20, 2006
Syracuse, NY



Norman A. Mordue
Chief United States District Court Judge

²See *In the Matter of Yvonne N.*, 775 N.Y.S.2d 87, 6 A.D.3d 769 (3d Dept. 2004).